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(iii) a first panel and a second panel in response to at least one signal from a user interface, said first panel having an associated time range and an associated channel range and containing selective information from at least one of a plurality of records, each of said records having

- (i) an associated time period;
- (ii) an associated channel; and
- (iii) program content information including a program title, and said second panel containing information from only one of said plurality of records; and

(c) each of said first panel and said second panel being selectively browsable to different time or channel ranges in response to a second signal from said user interface.

REMARKS

An amendment dated June 21, 2002 offered new claims with two claims numbered 22. The Examiner renumbered the second of these claims, along with originally numbered claims 23-27 to numbers 23-28, respectively. The claims will hereafter be referenced as renumbered.

The Examiner rejected claims 20-25 and 27 under 35 U.S.C. § 102(e) as being anticipated by Noguchi, et al., U.S. Patent No. 6,034,677, which discloses a method of displaying, simultaneously with a video, a first panel and a second panel. The first panel displays a programming grid while the second panel in some embodiments displays program information of a selected program within the programming grid (see, e.g. FIGS. 8 - 9C, 13, 15, 23, and 25) while in other embodiments displays program categories such as "Movies" and "Sports" or selected subcategories of the same (see, e.g. FIGS. 20-21). The method disclosed by Noguchi, et al. always displays the first and second panels simultaneously, i.e. it does not permit the first and second panels to be displayed independently of each other.

The Examiner apparently read limitation (b) of independent claim 20 (“displaying simultaneously with said video a selective one of either a first panel, a second panel, or a first panel and a second panel”) like a Markush group, reading on a method like that of Noguchi, et al. that displays, simultaneously with a video, only a first panel together with a second panel.

The recited limitation was not intended as a Markush group and accordingly, independent claim 20 has been amended for clarity to recite the limitation of “displaying simultaneously with said video, at the selection of a user, any selected one of (i) a first panel; (ii) a second panel; or (iii) a first panel and a second panel in response to at least one signal from a user interface . . .” (emphasis added). This limitation is not disclosed by Noguchi, et al, where a user may not choose *any* selected one of those three options, but instead may only elect the third option, i.e. a first panel *and* a second panel. Accordingly, independent claim 20 is patentably distinguishable over Noguchi, et al. and should be allowable.

Dependent claims 21-25 and 27 depend from independent claim 20 and are therefore allowable for the same reasons as independent claim 20.

The Examiner rejected dependent claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Noguchi, et al., contending that it would have been obvious to overlap the displays of the first panel and the second panel. The applicant respectfully disagrees. The first and second panels of Noguchi, et al. must occupy their own distinct, non-overlapping space on the display because they are always displayed simultaneously; hence by definition, the boundaries of each respective panel can extend up to, but never over, a boundary of the other panel. As can be seen by FIG. 8 of Noguchi, et al., “overlapping” on a display only makes sense with respect to visual material that may appear independently on the display.

In any event, dependent claim 26 depends from independent claim 20 and is allowable for the same reasons as is independent claim 20.

The Examiner rejected dependent claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Noguchi, et al. in view of Matthews III, et al., contending that the latter reference discloses a first and second panel that are independently browsable. The second panel of Matthews, et al., however, is only browsable to disclose more descriptive information about the selected program that could not initially fit within the space allotted for the second panel. The second panel of Matthews is not independently browsable to “different time or channel ranges” as claimed in dependent claim 28. (Dependent claim 28 depends from independent claim 20 which recites the limitation that each of said first panel and said second panel are “selectively browsable to different time or channel ranges.” Dependent claim 28 further specifies that the first and second panels are independently browsable.)

In any event, dependent claim 28 depends from independent claim 20 and is allowable for the same reasons as is independent claim 20.

The Examiner rejected claims 1-5, 7, 8, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Schein, et al., U.S. Patent No. 6,151,059 in view of Lemmons, et al., U.S. Patent No. 6,266,814 B1. Both of these references disclose a first panel that displays, in response to a first signal, programming information over a time range of at least one and a half hours where the time range for the programming information may be shifted in half-hour increments in response to a second signal.

Independent claim 1 claims “a method for displaying programming information, comprising . . . displaying a first panel in response to a first signal . . . said first panel displaying . . . an associated time range from a first time to a second time” and in response to selecting a record outside of said time range, displaying “a second panel, said second panel having an associated time range from a third time to a fourth time where said third time is the same as said second time . . .”

The Examiner infers that if the first “panel” is only defined to include a half-hour interval within the displayed time range, then the recited limitations would read on a method,

like that of Schein, et al. and Lemmons, et al., which shifts the displayed time ranges of program information in half-hour increments. The applicant does not believe that a “panel” can be fairly characterized as only a portion of the display that appears in response to a first signal.

Nonetheless, independent claim 1 has been further amended to clarify that “said first time is the earliest time displayed on said display in response to said first signal and said second time is the latest time displayed on said display in response to said first signal” and “said third time . . . is the earliest time displayed on said display in response to said second signal.” Thus the claimed first panel contains a time range that is inclusive of every time displayed on the display in response to a first signal. Independent claim 1 is therefore patentably distinguishable over the combination of Schein, et al. and Lemmons, et al.

Dependent claims 2-5, 7, 8, and 10 depend from independent claim 1 and are therefore distinguished over the combination of Schein, et al. and Lemmons, et al. for the reasons just discussed.

The Examiner rejected dependent claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Schein, et al. in view of Lemmons, et al. and in further view of Doherty, et al., U.S. Patent No. 5,999,227. Dependent claim 6 depends from independent claim 1 and is therefore allowable for the same reasons as is independent claim 1.

The Examiner rejected dependent claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Schein, et al. in view of Lemmons, et al. and in further view of Berezowski, U.S. Patent No. 6,064,376. Dependent claim 9 depends from independent claim 1 and is therefore allowable for the same reasons as is independent claim 1.

The Examiner is respectfully requested to consider the amended claims 1 and 20 and their dependent claims and to pass the application to issue.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail postage prepaid in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 10, 2002.

Dated: December 10, 2002



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